

**D.) AMENDMENTS TO THE DRAWINGS**

None.

## **E.) REMARKS**

This amended Response is filed in response to the Office Action dated April 26, 2007.

Upon entry of this Response, claims 1, 2, 4-10 and 20-22 will be pending in the Application.

In the Office Action dated April 26, 2007, the Examiner has objected to claim 1 as having an informality, and rejected claims 1, 2, 4-10, 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over MacDougald et al. (U.S. Patent No. 6,648,645). The Examiner has objected to claim 22 as being dependent upon a rejected base claim but not taught or suggested by the prior art.

Applicant has amended claim 1 to correct the informality.

### **Rejection under 35 U.S.C. 103**

#### **A. MacDougald (U.S. Patent No. 6,648,645)**

The Examiner rejected 1, 2, 4-10, 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over MacDougald et al. (U.S. Patent No. 6,648,645), hereafter referred to as "MacDougald."

In making the current rejection, the Examiner referenced the rejection over MacDougald as presented in the prior office action of November 1, 2006.

In that action, the Examiner stated that

MacDougald et al. teach a method for manufacturing dental restorations. As can be seen from the second paragraph of the abstract, this includes a homogeneous composition in which a ceramic powder is in combination with a media material. See for instance Example 1 on column 8. This prepares a putty like composition that is non-sticky, soft and workable. From this it would appear that such a putty meets the capable of being rolled into a cylinder limitation. This composition contains 75 wt% of a ceramic particle and 25 wt% of a silicone composition. This meets the claimed amounts of ceramic particles and silica yielding particles, given the fact that "about 72" wt% overlaps with 75 wt%. See also column 7, lines 5 and on, which teaches ranges for both the ceramic particles and media material that overlap with and embrace that claimed.

Example 1 differs from that claimed in that it does not include a plasticizer. Column 7, line 45 and on, teaches that it is important to include a dispersing agent to enhance dispersion of the particles within the media system and to improve the flow of the feedstock. While not specifically teaching the claimed range, again note that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art please note that when the general conditions of a composition are disclosed.

With this in mind, the skilled artisan would have found the claimed composition to have been obvious.

See the top of column 7 which teaches alumina, meeting claim 2. See column 4, lines 53 and on, which teach various silicones, including non-curing ones. Note too Example 3 which uses such a silicone. This meets claim 5. Column 4, line 50 teaches using an amount of solvent sufficient to facilitate the blending/mixing of the silicone and powder. From this one having ordinary skill in the art would have been motivated to determine the operable amount of solvent, rendering obvious claim 6. On the other hand, for claims 9 and 10, not that claim 1 does not specifically require that a solvent be present if the composition can be mixed and is pliable on its own. Thus one can read the solvents in claims 9 and 10 as being optional.

Applicants respectfully traverse this rejection of claims 1, 2, 4-10, 20 and 21 under 35 U.S.C. § 103(a).

As understood, MacDougald teaches a mixture that may be used for dental restoration. The mixture includes ceramic particles and a media to carry the ceramic particles. The media is formed of a silicone polymer family material.

In contrast, independent claim 1, as amended, recites a composition for use in a ceramic composite stiffener including a web portion, at least one flange portion, a radius region disposed between the web portion and the at least one flange portion, a skin member that is secured to the at least one flange portion and the radius region, the composition being applied along the radius region adjacent the skin member, the composition comprising: about 55 % to 72 % by weight ceramic particles; about 1 % to 3 % by weight plasticizers; and about 20 % to 26% by weight silica-yielding liquids; and sufficient solvent to permit mixing of the components and forming a pliable composition having a putty-like consistency capable of being rolled into a cylinder, wherein the cylinder conforms to and substantially fills a void between the radius region and the skin member; and wherein the ceramic particles range in size from about -20 mesh to about +50 mesh.

Several of the features recited by Applicant in independent claim 1 are not taught or suggested by MacDougald. For example, MacDougald does not teach or suggest wherein the ceramic particles range in size from about -20 mesh to about +50 mesh as found in currently amended claim 1. MacDougald discloses a size of particles in the range of about 0.5 to about 50 microns and preferably in the range of about 1 to about 3 microns for crystalline ceramics such as alumina and from about 5 to about 20 microns for glass-ceramics such as lithium silicate-

based glass ceramics (see MacDougald col. 3, lines 55-59). Thus, the particles of MacDougald are several orders of magnitude smaller than the particles as claimed in independent claim 1 as currently amended.

The Examiner has incorrectly interpreted the meaning of the limitation to -20 mesh to about +50 mesh as found in independent claim 1. In particular, while standing alone the term -20 mesh indicates that 90% of the particles having a particle size of less than 841 microns would pass through a mesh screen of that mesh size, when written "-20 mesh to about +50 mesh" means in the art that it is the particles captured between the screens that are used. In this case, that would mean that particles in a range of about 841 microns to about 297 microns would be used. Applicant wishes to point out U.S. Pat. No. 5,658,333, which has a disclosure to range language for support of this position. In summary, the particle size range of the range -20 mesh to about +50 mesh is several orders of magnitude larger than the particles of MacDougald.

Furthermore, MacDougald does not teach or suggest forming a pliable composition that conforms to and substantially fills a void between the radius region and the skin member of a ceramic composite stiffener as recited by Applicant in independent claim 1.

Applicant submits that dependent claims 2, 4-10, 20 and 21 are distinguishable from MacDougald for at least the following reasons. To begin, dependent claims 2, 4-10, 20 and 21 are believed to be distinguishable from MacDougald as depending from what is believed to be allowable independent claim 1 as discussed above.

Therefore, in view of the above, dependent claims 2, 4-10, 20 and 21 are believed to be distinguishable from MacDougald and therefore are not anticipated nor rendered obvious by MacDougald. In addition, claims 2, 4-10, 20 and 21 recite further limitations that distinguish over the applied art.

In conclusion, it is respectfully submitted that claims 1, 2, 4-10, 20 and 21 are not anticipated nor rendered obvious by MacDougald and are therefore allowable.

**Indication of Allowability**

The Examiner acknowledges and thanks the Examiner for the indication of allowability of dependent claim 22. At this time, Applicant believes that claim 22 is allowable as being dependent from an allowable independent claim 1.

**CONCLUSION**

In view of the above, Applicant respectfully requests reconsideration of the Application and withdrawal of the outstanding objections and rejections. As a result of the amendments and remarks presented herein, Applicant respectfully submits that claims 1, 2, 4-10 and 20-22 are not anticipated by nor rendered obvious by MacDougald, and thus, are in condition for allowance. As the claims are not anticipated by nor rendered obvious in view of the applied art, Applicant requests allowance of claims 1, 2, 4-10 and 20-22 in a timely manner. Furthermore, the objection to claim 1 has been rendered moot by correction of the typographical error by amendment. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant.

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,  
**McNEES, WALLACE & NURICK**

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